4. Ownership of Heavy Cattle

422 231 [643] a) Generalities.

The Mwami is the owner of all the cattle in Ruanda or at least of all females kept for breeding purposes. The great chiefs (abatware) are charged by the king to watch over his cattle in the different provinces. Also, the sale of heifers cannot take place without his permission.

On the other hand, the holder of sterile cows or bulls may give away or slaughter these animals as he wishes.

[643] In a province the native who has acquired a cow for breeding purposes has usufruct and has no redress if the Mwami takes away the animal he has bought along with its young. The umutware w'umukenke (2) can oppose the removal of cattle from the province.

2. Cf. Government and Administration, Political Division, p. 85.

422 622 628 Any native who settles in another province must abandon his cattle [467] unless he has the chief's permission to take it with him. When a native leaves his province, leaving his cattle behind, to settle in another, his new chief usually gives him a herd of the same size as the one he has lost. If he escapes from his district carrying off his cattle surreptitiously, his former chief claims the herd. In the past if he was refused he would endeavor to capture a herd of equal value belonging to the deserter's new chief, and an armed clash would invariably result from such a dispute. Today the dispute must be submitted to the Mwami. He eventually orders the new chief to return the cattle, and if the latter is unwilling to do so, he may take from him one or more herds.

Before the European occupation a dissatisfied chief could take all or part of his cattle without previous permission from the Mwami. In this case the chief was "Mwami of his umugaragu."

422 231 The cowherds (abashumba) in the service of the cattle holders are authorized to keep for themselves part of the milk from the animals entrusted to them. They can be discharged in case of negligence.

231
192

c) Classification by age (cont'd)

2. FEMALE CATTLE

Isave, cow sterile from birth (thin)
Urubeheri, cow sterile from birth (fat)

d) Classification of Cattle According to Horns

Igaritse, with large spreading horns
Impotore, with horns whose points are slightly twisted
Ingarure, with twisted horns whose points go forward
Inkungu, without horns
[48]
Intenderi, with horns whose points point toward the ground
Inkungu y'indegeri, with small mobile horns
Ikubis'ihembe, with one vertical and one horizontal horn
Itigey'inyuma, with horns whose points point backwards
Itez'akamosd, with crossed horns
Urubindo, with horns whose points point towards the ears
Itegey'ijuru, with large almost vertical horns

e) Classification of Cattle According to Common Law

422 231 [622] [192] IMBATA. Head of cattle received as dowry, as a present, or bought in the market, and whose owner is the true proprietor. But if, in putting himself under the patronage of the hill or provincial chief (1) he receives from either of them one or several cows called

1. See further on, Obligations and Contracts, p. 63.

inkazibiti or ingabane, according to whether he is a Muhutu or a Mututsi, all the imbata cows can be taken away from him with the others, should he lose his status as a client, by an arbitrary decision of his patron.

422 231 427 If a Muhutu receives from a Mututsi some heads of cattle in virtue of the contract called ubugaragu (lease of livestock) (1),

1. See further on, Obligations and

231 and if after a few years by selling the young bulls, the skins, the
422 horns, the milk, and the butter, he has made enough money to
427 buy a head of cattle, the latter is not an imbata, but an impahano (2).

2. Cf. Property, Ownership of Cattle, p. 43.

422 If a Muhutu, the umugaragu of a Mututsi, marries his
583 daughter and receives a milch cow as dowry, the latter is not an
192 imbata, but an inkwano, and the shebuja of the son-in-law can take
231 it back. In effect, it is the social position of the Muhutu which entitled him to collect a dowry in cattle. If he had not been a client of a Mututsi, he would have received as dowry only hoes or goats. [49]

231 INTUNDANO. (1) Cow bought in the market with the salary
422
192

1. From kutunda, "to do business."

earned at the mines in exchange for goats or baskets of beans. It is an imbata.

INDUNDU. Cow acquired in immediate full ownership without the condition that the buyer should later make an additional payment. Indundu is opposed to ingwate (2).

2. See further on, p. 46.

[431] INKAZIBITI. Cows given without fee by the patron to a client who has paid homage (guhakwa). To take possession of cows promised by the shebuja is called kujya ku ilembo (lit., to cross the threshold of the rugo). The first cow received under these conditions is called inka y'igiti (3); the second, impetano; the others

3. Literally, "cow of the tree-trunk."

do not have a special name. A father can also give some inkazibiti to his wives and sons.

231 422 192 431 INGABANE. When a Mututsi who has paid homage to the Mwami receives from him a hill with cattle and abagaragu, the said cattle is called ingabane (4). A herd of ingabane consists of at

4. From kugabana, "to receive."

least 30 heads of cattle, cows, calves, heifers, and young bulls.

A simple Mututsi with no political authority may receive some ingabane and some inkazibiti. But the favor of the Mwami makes him considered an important person. He is the Mwami's umugaragu.

The Bahutu usually receive only inkazibiti.

INDEMANO. (5). a) Cows of the same color and age, given

5. From kulema, "to create," "to form," "to assemble."

by a father to his son when the latter is about to get married. The whole of the indemano is called iminani.

[50]

b) By a patron to a client of whom he is fond and who is going to get married.

c) By a husband to his wife.

The indemano are also ingabane.

After these various distributions, the cattle remaining to the master make up the ingarigari (reserved cows).

422 231 192 INGARIGARI. Cows which the master keeps for his own pleasure and personal use without giving any to his wives, sons, or friends, or without leasing them out to any abagaragu.

425 231 192 INKUKE (1). a) A son, who has received from his father

1. From gukura, "to take away," "to remove."

indemano, returns a milch cow (inkuke) to his father which has been taken from among the indemano. When it no longer gives any milk the father sends it back to his son.

5. Small Domestic Animals

422 231 The Mwami has a rather theoretical right of ownership of small livestock which are considered valueless by the large stockbreeders.

Consequently, the Bahutu can sell or keep for their own consumption goats and sheep.

[235] Poultry also belongs to the Bahutu who are required to provide, without remuneration, the chicks needed for divinatory sacrifices. Hens and eggs are not eaten by natives and therefore, except in the neighborhood of European posts, have no commercial value.

Small livestock as well as poultry are the exclusive property of men.

[224] The Banyarwanda are very fond of their hunting dogs. The Batutsi will pay as much as one or two cows for a dog that is known for its hunting qualities.

6. Other Personal Property and Real Estate

423 Among the Batutsi, the husband and each of his wives live in their individual rugo, but all these dwellings belong to the husband. In the same way, among the Bahutu, the hut and its annexes belong to the husband.

422 Work tools belong to the husband. The wife and children may not lend them without his permission, except for a short time.

[60] Household utensils given the wife by her husband remain his property. But the ibirongoranywa (1), that is to say,

1. Cf. note 1, p. 44.

the objects, utensils, and clothing, given by the father to his daughter at the time of her marriage, often equal to the value of several cows, or even consisting of cows, belong to the wife. She may dispose of them as she chooses, except in the case of cows.

231 The cattle of the entire country belong de jure to the king (or to the highest chief), as in Ruanda. He leaves a large part of the cattle with the Batussi sub chiefs, who enjoy the usufruct, and [42] the latter, in turn, leave small herds and single animals with lower Batussi and individual Bahutu for care, further breeding, and use. A set small number of the young becomes the property of the caretaker which he holds as an irrevocable fee.

231 554 To a certain degree the almost mystical esteem in which cattle are held is transferred to the temporary owners, caretakers, and breeders of the cattle. A person who is vested with cattle is thus raised to a higher status. A Muhutu who is vested with cattle for the usufruct and for breeding is ennobled, so to speak, by this act; he is no longer subject to compulsory labor, nor does he have to work the fields for his master. Thus, the possession of cattle has a social significance which is no less important than the economic one. Not only for religious reasons but also for social and political ones, old and sick cattle are allowed to live as long as they possibly can, both in Urundi and Ruanda, for they can still be used to vest someone with them who through this rise in status is more closely tied to the Batussi rulers and the king. It is also for this reason that the immense number of cattle owned by the king are a strong support of Batussi rule.

233 All cattle are fed in pasture (Plate 23); only older calves and sick animals are fed in the stable. During the night the cattle are kept within the inner fence of the homestead. As soon as they have been cleaned after sunrise in the morning and the cows have been milked, the herd is driven to pasture (kwahura inka). The location of grazing land is determined by the season and the growth of fodder. The herd remains there until evening. Every sixth or eighth head of cattle carries a bell (insogera) made from a bent piece of sheet iron (Plate 45) or from wood; in many areas, however, there are no cattle bells at all. Twice daily the herd is driven to the watering place in the nearest river valley. If the valley has no flowing water but only underground water to be obtained by digging holes, as is often the case during the dry months, long

233 312

423 dispersed areas. The chief would have his *ingo* (plural of *rugo*, residence) built on several hills, and usually establish one of his wives in each of them, to direct the centre entrusted to her. This is a very typical estate organization : it is based on polygamy.

The position towards cattle-owners

422 661 We have said that the *muami* did not possess the land : neither has he any right of possession over the big cattle. The *muami* would sometimes take cattle where he found them, but this was only a violent misuse of his tyrannical power. Batutsi and even Bahutu cattle-rearers are definitely the owners of their herds when, of course, the cattle are not simply entrusted to them.

231 431 357 These cattle can be given and this very thing adds a great deal to their worth, for those who desire them are naturally attracted towards those who own them. The king presents with cows the great who come to pay him homage. During the great annual sorghum festival, he ritually distributes cattle to some methodically chosen persons. The great men used to be surrounded, and are still, with a group of servants of various ranks : *ntore* (vassals who owed them a more important military aid than the average tenants), *bagendanyi* (young attendants charged to carry out their messages), *bakamyi* (young Batutsi entrusted with the milking of the cows), *abungere* who watch over the cattle), *bakevri* (cooks), *inshoreke* (female attendants and servants). The most esteemed among these followers (*ntore*, *bagendanyi*, *bakamyi*) hope to receive cows one day, the *bakamyi* especially, on the day when they will leave the service to get married.

231 615 425 554 There are also the so-called cattle-contracts. Here are the most interesting of them : (1) A cattle-owner gives someone a cow, in exchange, the donee will later return a calf after the cow has calved two or three times. (2) An important owner gives several cows to a man who must in his turn permanently provide him with a milch-cow. (3) The owner of an important herd entrusts a man with the breeding of several cows which he may use for milk and manure ; one of the cows will be his if the herd has prospered.

In all these cases, the recipient becomes the liege of the donor (or the depositor). In some cases, the recipient is considered a near relative, even a son of the donor and marriage impediments ensue from the assimilation. On the other hand, the higher the donor is socially speaking, the less he tries to derive material profit from these transactions : his real profit is in the power he acquires over the person of the recipient.

423 425 *The relations between agriculturists*

Similar ties may exist between agriculturists. The

796
231
821

Then the owners are allowed to carve up the animals on the spot and to distribute the pieces. Words referring to buying and selling must be avoided, however, so as not to offend the lightning whose [422] property rights would thus be violated. The buyers are tacitly bound to compensate the owner. When the time comes for payment, they hand him the price of the meat, rated at its actual value, but without saying anything about it. The seller, if he wishes to induce a recalcitrant buyer to make payment, cannot bring up the subject in explicit terms.

At most he may go to the man's home bearing a native umbrella (issinde) which, owing to its function in times of rain and storms, is supposed to remind the delinquent debtor of the tacit agreement made after one of those storms. It is quite permissible for the debtor to play deaf and blind and refuse to understand. His creditor has no direct hold over him. In order to avoid the evils of lightning with which the seller threatens him in vain with the presence of his umbrella, our recalcitrant buyer need only toss far away the bones of [539] the piece of meat he had chosen and cry, "It was the king of the sky who gave it to me" (n'umwami yangabuliye). These words, pronounced in a loud and intelligible voice, are well understood by the creditor, who can do nothing else.... They clearly convey his dismissal and a definitive refusal.

In certain provinces the owner of a cow struck down by lightning and the people in his house must observe an eight-day mourning [833] period (okwirabura). Cohabitation between spouses is forbidden during that period, just as at the death of a member of the family. The bull, billy goat, and ram are separated from the herds. Cow milk is set aside, and no one may drink of it. When the eight days are over, the animal's master builds a special small /439/ hut on the spot where the animal was killed.

The other cows are milked there, or else the cream gathered [302] on previous days is used and immediately churned. Once the butter is ready, the participants rub it over their bodies while the women and children sing and shout their joy (bakavuz'impundu).

Beer is offered to the guests, and the day ends in the hope that the king of the sky (lightning) will not return to seek new victims.

Pastoral Terms

192
233 The rich and varied vocabulary used by the Banyarwands proves the interest they take in their cattle

They have special terms to designate a black cow (inka y' umukara), a dark-brown cow (igitare), a grey one (ikijuju), a purple one (issine), a red one (umusengo), cows splotched with white, black, or yellow on a russet or grey background (ubugondo), an ash-grey cow (rwirungu), a dark-yellow one (inumba), and inka y' inyombya, the blackbird-hued cow for which the Batutsi entertain a superstitious fear.

A cowherd is called umushumba or umwungeri.

The king's cows other than the sacred cows are called insanga, which means "those that were found," from the word gusanga, "to find," because it was one of the first kings of Ruanda, Gihanga, who discovered them. They are also called by the name of ibigarama, from the word kugarama, "to stretch out," because they have long horns, etc.

Inka is the generic name for all horned beasts, cows or bulls. Inkungu is a cow without horns; inkungu z' amalegelege is a cow whose horns are loose.

The shape of the horns, their orientation, and the arch they form give rise to the following names: inkondogoro, inyabulegelege, ibibinda, impotore. Certain Batutsi cowherds burn the horns of their animals with a red-hot iron while they are still young in order to obtain the desired shape. /506/

Inka y' imbata (kwihita, "to exert oneself") is a cow acquired or bought through personal labor. It is an inalienable cow over which the chiefs have no rights whatsoever.

Inka y' igiti, cow of landed property (of the hill) received from the chief.

Inka y' impetano (guheta, ..."for the second time"). Second cow obtained from the chief.

Inka y' ubuntu, "generosity cow," or inka y' ineza "benevolence cow," a gift between relatives or blood brothers.

Inka y'ingwate (kugwatiriza), a cow which must be redeemed
[422] (irichungura). The owner of a young bull makes a deal with the owner

192 of a cow whereby he gives him the animal under condition that the
233 first female calf born of this cow will be handed to him. He may
[422] even take the cow and keep it until the first calf is weaned, so long as he shares the milk with the owner of the animal over that period of time.

The term umukangara serves to designate the first heifer born under this agreement.

Inka y' inkungurano (kugurana, "to exchange"), a purchased cow. The exchange is effected against a sterile cow or two young bulls, some 20 goats or about 30 basketfuls of beans.

Inka y' inkwano (gukwa, "to buy a wife"), cow given as a bride price to acquire a wife.

Inka y' indongoranyo (kulongoranya, "to help establish a house-
[583] hold"). This term serves to designate the animal that well-to-do
[585] parents present to their daughter on her wedding day. They also supply her with her trousseau at that time: a tanned and buttered cow-hide enclosed in a basket, along with some rings of vegetable fiber, two mats for the bed, a supply of butter, etc., to provide for the early needs of the young couple.

192 Inka y' ichari (umwari, "young wife"). This expression /507/
233 designates the cow offered by the parents-in-law upon the birth of
431 their first grandson. The son-in-law must present a few jugs of beer
844 to his wife's parents along with his son. He is given a cow or heifer in return.

The father-in-law usually takes into account what he received at the time of his daughter's marriage. If his means are moderate, as are those of most Bahutu, he merely gives a young bull or a few hoes (1).

1. In such cases the young bull is designated by the name of igishito or uluhanderw' inka, "the side (that is, half) of a cow."

The gift offered in these circumstances rightfully devolves

settle among the clan members as clients (bagaragu) who perform services for them for which they get their food and from time to time a sheep or goat. They are poor devils who in this way must scrape together the means to buy a wife. There are others in the densely populated areas where there is no free land who rent acreage and even own houses on rented land. Others rent only as much land as is necessary for their hut and a small courtyard, and they make their living as day laborers.

We must point out that settling on the land of a strange clan presupposes a certain calm and stability and signalizes the impending deterioration of the clan community. Under more primitive conditions where clan organization is at its height, we seldom find cases of people settling on the land of a strange clan. Life among strangers would be too dangerous because feuds involving blood revenge might break out. There is no security against feuds between the clan of the host and that of the settler, and then the isolated person is the first victim because one can most easily get at him.

Property. The clans of Bugoye and Mulera occupy regions which were taken over and cleared by their ancestors several generations ago.

In Ruanda the clearing of the primeval forest plays a very important role in the conception of ownership. In Bugoye, despite the recent Batutsi conquest, land is regarded as the property of those whose ancestors [249] took possession of and cleared the corresponding sections of primeval forest. This comes out in legal cases involving property, when they cite as a witness the stone on which the bush knife (muhoro) was sharpened when the land under dispute was cleared. The party claiming the land says: "I shall bring the whetstone (uzakuha ulutsiaga) that my ancestor used when he cleared this piece." In view of this, the clan members may also be regarded as the owners of the land occupied by them.

However, although the huts, the animals, and all the furnishings are absolutely private possessions which one can dispose of as he sees fit, the possession of land is not entirely free of restrictions. The clan members really have only the use of the common property given them. The land, like its possessor, is the property of

681 Punishment by whipping seems to be done less in Ruanda than in Bgisha where the chief ties people to trees and has them punished with up to 100 strokes of the whip on their backs. This [177] custom is said to have been borrowed from the English Askari who were stationed there.

On the subject of property rights we wish to make only a 423 few general remarks. The entire country is the private property 428 of the king and is regarded as either entrusted to the chiefs or granted to the clans. All the farmers and herdsmen are merely tenants or have the use of the land. As a consequence, the chief and clan community have the final word in matters dealing with the inheritance of usufruct of so-called crown property, that is, fields and cattle.

422 Only household goods, with the exception of cows, are private 428 property in our sense, and here the wish of the person disposing of the property is decisive, although certain time-honored customs cannot be circumvented. In Bugoye, for example, the oldest son gets the spear and the stool of his father, whereas the shield belongs to the youngest son. (2) Lieutenant Spiltoire told me that in

2. Classe, Father, Moeurs et Coutumes des Bagoye [Manners and Customs of the Bugoye] (Les Missions Catholiques, 1905), p. 439.

Bunyabungu, the principal heir seems to be the son of the sister, but because of his brief visit, he could not verify this.

692 Administration of Justice. In Ruanda the administration of 695 justice is in the hands of the chiefs and the king.

Pronouncing judgment is only of secondary importance, but [280] the chiefs regard it as a sure means of gaining influence. The two parties regard the trial as an attempt to interest a powerful one -- a chief -- in their affairs, that is to say, to make their affairs the affairs of the mighty. The one who wins a case is simply the one who was more highly regarded by the chief and with whom, from now on, it is dangerous to quarrel. In Ruanda it is a long process from the pronouncement of justice to the execution of it.

7: Roscoe M-5 (1919-1920) 1924
FO42 Rundi FO42

233 in the villages near their fields; but they had to bring food daily to the place where their husbands were, for even the herdsmen did not live entirely upon milk. Cattle were never kept inside the fences enclosing the dwellings of the king or other owners, but the herdsmen had to bring milk after each milking to the owner of the herd even if the cattle were at some distance.

The men regarded their cows as their own and might sell [422] or exchange them as they thought fit, but the king claimed all the cattle in the country and might take any he wanted from any herd. The value of a cow was twenty goats and of [435] a bull fifteen goats, while a goat was valued at five hoes. A woman who had been captured in war might be restored to [727] her tribe for a payment of three cows for a woman of the better class and six goats for a peasant.

When a cow was thought to be about to calve at an incon- 233 venient time during a journey or while grazing at such a 825 distance that the calf would have to be carried home, the herdsmen tied a little grass round its horns close to the head and this was said to retard the birth. When a cow which had calved did not cast the after-birth, the first milk was placed upon a stool for a time and then poured away. If the cow recovered without parting with the after-birth, the owner might not drink the milk from it but left it to the herdsmen until the cow had another calf and the placenta came away. For fourteen days after a cow calved, the milk was drunk by the herdsmen or by children and not by the owner of the cow. [784] No taboo was attached to the navel cord of calves.

231 Goats were preferred to sheep, but both were reared in 437 large numbers, not so much for meat as in order to exchange them for cows and other necessary articles. Most men also [651] kept bees, for honey was demanded as a tax by the king and [737] was an article of food among all classes. A large pot of honey with the comb was sold for a goat, and a small pot of refined honey for two hoes.

AGRICULTURE

241 Each wife possessed a plot of land on which she raised crops to supply the family with food. Among the better classes the

9: Maquet E-5 (1949-1951) 1961 FO42 Rundi FO42

for instance with a widow, intercourse took place with a brother or a parallel cousin of the deceased husband.

Among the Hutu when the inzu as such possessed fields (*ingobii* or *ubukonde*), as happened particularly in the northern area (Bugoyi, Mulera, Ndorwa), the individual member had a right to a plot (*isambo*). He could not sell such a plot, but could let it (at a rent of about one hoe for two years). If the ancestor has received cows from a lord (*shebuja*), these cows, or rather their offspring, were the property of the inzu which happened to have some pasture land. Among the Tutsi there were usually no land rights vested in the inzu. Tutsi as well as Hutu inzu had no sacred place other than the ancestor's shrine in the *rugo* (enclosure) of the lineage-head and the small huts in the enclosure of each descendant.

From this one may infer that the lineage group at the end of the nineteenth century was not a group with a territorial basis. It is very likely that a territorial lineage group was common among the Hutu and had persisted in the north where Hutu were predominant and where Tutsi occupation had always been scanty and superficial (there were very few Tutsi settlers in that region, apart from administrative chiefs).[9] On the other hand all the activities of the inzu just described implied a rather close co-residence (which is, of course, different from the concept of a territorial basis). These frequent gatherings, blood-feuds, and the rendering of help in difficult circumstances would hardly have been possible if the members of the group had been living in scattered places several days' journey apart. This explains also the crucial importance of the change of residence in the formation of a new inzu. When a branch of an inzu had to leave and settle elsewhere, it was bound to become a new inzu because the former relations with the members of the inzu who did not move could not have been maintained, at least among the Hutu and ordinary Tutsi. This was less important for Tutsi chiefs who were in any case moving about and travelling frequently.

(c) *Social roles within the inzu*

Following the authors of *Toward a General Theory of Action*, social role is understood here as the totality of reciprocal

[9] For an account of the specific structure of the kinship system in the north of Ruanda, the present-day districts (*territoires*) of Kisenyi, Ruhengeri and part of Biumba, see Hertefelt, 1959.

9: Maquet E-5 (1949-1951) 1961 FO42 Rundi FO42

At the end of the nineteenth century the inen had no collective rights over certain areas except in the north of Ruanda (Mulera, Rwankeri, Bushiru, Bigogwe) where the Tutsi occupation had been more superficial. I have been told that there the soil belonged to the patrilineage and that there was no land or cattle chief. From the point of view of the individual, however, the situation was very similar: he inherited a share of his father's tract. The difference was that, if the part were insufficient, he had to apply for more to the lineage head instead of to the land-chief, and a plot left without heirs returned to the patrilineage instead of the political authority.

The person entitled to the use of a plot could not sell his right but could let the tract. The rent was about one hoe every other year plus a jug of beer each harvest. The tenant was not permitted to settle by building a hut or planting banana trees.

The Twa resented very much the expansion of fields and pastures in the forests they regarded as their possession. The authority was not concerned with the way they divided it into hunting areas.[1]

2. RIGHTS OVER CATTLE

The rights over each head of cattle were also manifold. Property in the Western sense was split up into different aspects.

A global right existed over all Ruanda cattle, even sheep and goats, by which the king could claim actual possession of any of them. The mwami used this right more frequently, it seems, over cattle than over land. An important chief indulging in intrigues regarded as dangerous by the king might find himself dispossessed of all his cattle. The king's right over all the cattle of Ruanda was a constant threat which seems to have very effectively deterred the Tutsi of the ruling set from becoming too independent.

Another right was very similar to our bare ownership. The person who had it was not in possession of the cow but could at any time claim possession of the animal and the heifers and cows produced by that beast since the time when the possession had been transferred. This was the right of the lord (*shebuja*).

In contrast there was the usufruct right with respect to cattle. The person endowed with it could dispose of the milk, the male increase of the cattle, and the dead cows. This was the typical right of the client (*garagu*).

[1] For a more extended account of the land tenure system in traditional Ruanda, see Maquet and Naigiski, 1957.

9:Maquet E-5 (1949-1951)1961 FO42 Rundi FO42

422 Sometimes these rights (bare ownership and usufruct) were possessed by the same person. The cattle concerned were then called *imbata.*[1]

3. INHERITANCE RULES

768 When the father died, the family unit of which he had been the head did not disappear as well. Some of the family functions had still to be carried on for some time: the younger sons had to be given a wife and the bride-wealth paid for them, the younger daughters had to be married, and perhaps young children had still to be taken care of by their mother for several years. In order that the family unit should be able to perform its tasks before its breakdown, it was necessary that the duties of the rugo head should continue to be fulfilled. Consequently the father chose one of his 592 sons who could be trusted with that role (*umutware w'urugo rwa se:* head of his father's family). He was often, but not always, the eldest son of the first wife. The father could even choose a brother or one of his parallel cousins if he thought none of his sons was capable. The father's choice could always be reversed by the lineage head or the political chief or even the lord, if it appeared unwise to these authorities or if it was the cause of complaints from the other members of the family.

593 It was the father who was endowed, as we have just seen, with 421 rights to land and cattle. The totality of these rights plus goods such as trees, huts, and household implements, constituted his patrimony.

428 If there was no declaration of will, custom determined the division of the patrimony according to the following rules.

The first heirs were the sons of the deceased, or, failing these, his brothers, then his paternal male parallel cousins, his grandsons, the sons of his brothers and their male paternal parallel cousins, his paternal uncles. Then any male in the inzu or the umulyango. If there was no known kinsman left, the political authority (land or cattle chief) or the lord was the heir. In that case the patrimony might be divided according to the kind of rights left, for instance those over cattle went to the lord, those over land to the land chief. Or the more powerful authority was able to secure for himself the whole of the inheritance.

[1] See Vanhove 1941, pp. 48-59, for still other, but less important, rights over cattle.

9:Maquet E-5 (1949-1951) 1961 FO42 Rundi FO42

the aggressors at bay. Army herdsmen also lived in the same region. Armies constituted during previous reigns were more likely to be localized in the interior of the country.

Expeditions against neighbouring countries were made. They were prepared by spies' reports. Military chiefs had at their disposal people named *abatasi*. They depended directly on the court and had taken an oath not to betray Ruanda. They were the only ones who could have connexions with foreign governments without committing an offence punishable by death.

There were two kinds of expedition: those planned by the king (*igitero*) and those planned by a military chief. The latter expeditions were short raids which could not last more than two days (*agateroshuma*). A very complicated ritual was observed in the choice of the leader of the expedition (*umugabe w'igitero*). This choice was made after divining operations by means of the viscera of steers and rams. During the battle, the general of the expedition would sit motionless in his headquarters; every move backwards of his would have resulted in his forces' flight.

Some of the warriors (*abakoni*, stick-bearers) had the special charge of capturing cattle. If the expedition was successful, it ended with a celebration lasting several days. During the festivities, rewards and badges of honour were granted, warriors marched off in triumph, and their deeds were hymned and praised in poems.

(*c*) *The herdsmen's section*

The section of herdsmen, as its name suggests, tended the army's cattle. A certain number of herds were regarded as linked to a particular army. The army-chief was also responsible for these cattle and in that capacity he commanded several head herdsmen (*umutware w'inka*, *umutware w'inyambo*).

An army's cattle did not constitute an homogeneous group from the point of view of the rights enjoyed over them by different persons. Four categories of an army's cattle may be distinguished according to the person who had the right of effective disposal of the cattle. By effective disposal is meant here the rights allowing one person to give cattle to another, who then becomes his client. A first category of the army's cattle comprises those of which the mwami had an effective disposal; the other three categories were those in which the rights belonged respectively to the army-chief,

9:Maquet E-5 (1949-1951)1961 FO42 Rundi FO42

705 422 a member of the warriors' section, and a member of the herdsmen's section.

The mwami could effectively dispose of the *nyambo* and *mabara*. *Nyambo* were cows which had some marked physical characteristics (as for instance long horns). The mere fact that [843] beasts had such characteristics gave the king exclusive rights of disposal of them whatever may have been the previous rights of other people over them. Many lyrical poems were devoted to the [825] praise of *nyambo* in which they are divided into two 'clans', the brown one (*ibihogo*) and the red-brown (*amagaju*) which were supposed to be in a permanent state of war.[17] A herd of *nyambo* numbered about fifty cows. There were not *nyambo* with every army. *Mabara* were ordinary cows, not fulfilling the *nyambo* qualifications, and of which the mwami had the effective disposal. One or several herds of *nyambo* and *mabara* were entrusted by the king only to certain armies.

The cows over which the army-chief had the rights of effective disposal were also considered, according to ninety-six per cent. of our informants, as army cattle and were tended by the army herdsmen.

Cattle at the effective disposal of each member of the herdsmen's section of the army were also regarded as army cattle. Here we have to distinguish between cattle possessed as a client and cattle not obtained from a lord (ninety-two per cent. of our informants said that one could have cattle which were not received from a lord). The former kind of cattle were linked to the lord's army and not to the client's army although the client had the right of usufruct and of effective disposal (as defined here) over that cattle. The latter kind of cattle was composed of cows obtained by exchange (*impahano*) which were regarded as army cows according to ninety-five per cent. of our informants; of cows given by the prospective husband to his father-in-law (*indogoranyo*) also according to ninety-five per cent.; of cows received as reward for brave conduct in war (*ingororano mu ntambara*) again according to ninety-five per cent.; of cows received as gifts (*inka z'ubuntu*) according to ninety-six per cent. Cows not kept by somebody as a client were called by the generic name of *imbata*, or, according to sixty-two per cent. of our informants, the mwami's cows (*inka z'umwami*), which is confusing.

[17] Kagame, 1947b, p. 792.

9: Maquet E-5 (1949-1951) 1961 FO42 Rundi FO42

Finally, the cattle that the warriors of an army could personally effectively dispose of were also considered as army cattle. There was a distinction between cows obtained from an overlord and *imbata*. Warriors' cattle, however, were linked to the army differently from herdsmen's: only the cattle of the latter were submitted to the different taxes I am going to examine now.

Each army had its own grazing grounds, particularly for the *nyambo*, *mabara*, and the chief's cattle as the other kinds were usually kept by those who had usufruct rights over them.[18]

(*d*) *Tribute due by the army*

Besides the personal services mentioned earlier (training, watching at the border, defending the country, foreign expeditions), each army had to provide the king, the court, and its chief with other benefits.

On a new king's accession, each patrilineage of the army had to give him a cow. This gift (*indabukirano*) showed the recognition of the authority of the person to whom it was offered. At the beginning of each reign there was also a ceremony called *murundo*, during which all the cattle of an army were numbered and presented to the king. A certain proportion was retained by him. Cattle raided by the stick-bearers (*abakoni*) of the army belonged to the king, according to eighty-seven per cent. of our informants.

Warriors and herdsmen of each army had the duty of keeping in order a part of the royal residence (*incyubagaba inkike*), according to ninety-three per cent. of our informants.

Each army was obliged to keep at the court a few cows to provide the king with fresh milk (*inkuke*). This herd was called *intamara* and was looked after by an officer, *umutware w'intamara*. According to ninety-eight per cent. of our informants, to provide *inkuke* was the duty of the herdsmen's section only. Besides they had to deliver daily to the court a certain number of milk jars (*igicuba*), according to ninety-nine per cent. A very important majority of Tutsi interviewed (eighty-nine per cent.) said that herdsmen had to supply the court with the necessary slaughter animals (*indwanyi*). Finally, each army had to provide the court with young steers used for divination purposes (*amamana*). According to fifty-five per cent. of our informants these had to be

[18] On this section, see Kagame, 1952.

9:Maquet E-5 (1949-1951)1961 FO42 Rundi FO42

their immediate superiors without endangering the principle of authority and social discipline.

From the point of view of social cohesion between the different strata of the population, it should be mentioned also that Tutsi, Hutu, and Twa were affiliated to the same army. But as the last two groups had only a secondary and not a fighting role in war, one cannot think that their association with the army was extremely important in this respect.

(*d*) *Redistribution of wealth*

Within Ruanda society, the main function of the army was that it acted as an agency for the redistribution of wealth, i.e. consumption goods and cattle.

Fresh milk provided by the *inkuke*, milk brought in jars, agricultural produce, spoils of the chase, pottery, butcher's meat, and steers utilized for divination purposes were consumption goods. Included in this category was statute labour (building and repairing royal enclosures). Most of these goods could not be kept for a long time and had thus to be provided regularly. This kind of tribute is characteristic of cultures which have neither a sufficient knowledge of the means of storing perishable goods nor a standard value of exchange permitting the dues to be collected in 'money'.

The beneficiary was the king. In this respect the army fulfilled a function very similar to that of the administrative structure.

A second category of wealth redistributed through the channel of the army was cattle. They constituted a special category of goods because of the particular significance of their possession in Ruanda society. Cattle, whatever their economic value, had a unique prestige value. One was as proud to be the owner of a beautiful herd of long-horned cows as, in some other societies, to possess race-horses. During the European Middle Ages, a noble had to have some landed property. Without going down in public estimation and losing his status, he could not have exchanged his real estate for gold and other goods of that kind even if they were 'worth' much more. Cattle in Ruanda were also noblemen's property. A Tutsi who did not own any cattle was still a Tutsi but a very poor one, dangerously slipping down in the social stratification, whereas a Hutu who possessed cattle was very near the aristocratic group and not infrequently could marry a Tutsi girl.

9: Maquet E-5 (1949-1951) 1961 FO42 Rundi FO42

The emphasis put on the social prestige bestowed by cattle ownership has sometimes led to the underestimation of a second meaning of their possession. Effective disposal of cattle was the main institutionalized means of achieving power. It certainly enables a person to secure labour and agricultural produce through the clientage structure. And at the present time, the disposal of cows gives more advantages than could be obtained by their counterpart in money.

Consequently, the redistribution of cattle operated through the army was extremely important and had much wider social implications than the dues paid in commodities.

Here, again, the mwami was the main beneficiary of the bovine tributes concentrated through the army. On his accession he received one cow as a recognition gift from every lineage, and a certain proportion of the cows presented at the numbering; after a successful campaign, the 'bow of the army' (cattle seized upon by the *abakoni*) was his. The king usually kept only the bare ownership of that cattle and granted its usufruct to important chiefs who then became his clients.

The army-chief was also much favoured in army cattle dues. He received a recognition gift on entering his office, a part from the herds presented and numbered, a certain proportion of the private booty of the warriors, rewards extended by the king after a victorious expedition, and gifts offered by army members. He had the effective disposal of these cows as long as he was in charge, that is to say, up to his death if he was not dismissed. He thus controlled a considerable amount of cattle, symbols of prestige and instruments of power. He could build up a wide clientage among army herdsmen as it was particularly among them that he chose his clients. But he could also grant his cows to non-army members (*inkomamashyi*), who then became army members.

In what measure was the ordinary army member affected by cattle? Firstly, whether warrior or herdsman, he was deprived of some of his own cows by the different payments to the king and the army-chief. Secondly, a member of the herdsmen's section could receive some cows as a client of the army-chief. Was it a real advantage? The question may be raised as the herdsman had to give cows to the chief. Obviously, there was an advantage only if he received the usufruct of more cows than he had given. This means that only a certain number of army members were very likely to

9:Maquet E-5 (1949-1951)1961 FO42 Rundi FO42

be favoured. This was a kind of redistribution of wealth among the lineages of the army made according to the preferences of the army-chief. Thirdly, the warriors as such did not receive cows from the army-chief (but they could be at the same time warriors and herdsmen). Their only privilege as warriors was to loot privately after the *abakoni* had laid hold on the 'bow of the army'. Moreover, if they had shown any particular gallantry, the mwami or the army-chief rewarded them with a gift of a few cows.

(*e*) *Protection*

When compared with the considerable benefits in cattle that the king and the army-chief derived from the military structure, the advantages of ordinary army members, particularly the warriors, seem to have been very meagre. The army tribute in goods and services were compensated for in a different way by the protection extended to his subordinates by the army-chief.

This protection could be asked for and received in all the difficult circumstances of life without being limited to any particular kind of circumstances. An instance frequently mentioned by our informants was the army-chief's support to one of his subordinates who was a party in a lawsuit. If the protection of a man of high standing appeared useful or necessary in such a situation one must suppose that judicial decisions were not taken only on the case's own merits, but that the respective power of the two protectors was weighed by the judge.

The army-chief's protection was diffuse and general, not limited to a few cases clearly defined. We have already come across such a characteristic of the superior's protection in respect of the chiefs of the administrative hierarchy. This suggests that power relations were emphasized in Ruanda and that the rights and properties of isolated men, that is to say those not identified in any respect with a powerful one, were insecure.

The judicial role of the army-chief must be related to his function of protection. In the disputes between two members of his army, he exercised a kind of paternal jurisdiction, as did any Ruanda authority. In contentions between members of different armies, the fact that the question was settled by the army-chiefs concerned suggests more a compromise in which each chief acted as a representative of one of the litigants, than a judgement based on pre-established norms.

9:Maquet E-5 (1949-1951)1961 FO42 Rundi FO42

571 675 422 571 675 cows received

from a patron could be granted by the client to somebody else by another *buhake* agreement in which the original client became a lord.

The protection granted by the patron included support in lawsuits (*kulengera*): according to thirty-nine per cent. of our informants, it was usual and very useful to be accompanied by one's *shebuja* if one wanted to be judged by the mwami. Moreover the patron extended help to his client if the latter was in a state of poverty. For instance, he gave milk for the *garagu*'s children if their father's cows did not yield enough; he contributed to the payment of the bride-wealth if the client and his lineage could not meet the expenses; he provided his Hutu *garagu* with a hoe when it was needed; he granted meat and hides to his client if, on certain occasions, they were badly needed. When the *garagu* committed an offence, his lord had to help him out of his predicament by paying the fine or the compensation to the victim (*kugura*).[5] If the client was murdered and his lineage was too weak to do anything about it, the *shebuja* had to demand justice from the mwami or even avenge his death by blood feud (*kumuhorera*). Finally, if, after the *garagu*'s death, his widow and children could not be taken care of by his brothers or parallel cousins, the lord had to help them (*kumuremera*).

(*b*) *The client's obligations*

On the other hand, the client had to go and pay his respects to his lord. This included personal service which required the presence of the client at the patron's rugo for a certain time. Some obligations were common to Hutu and Tutsi *garagu*. They were: to accompany the *shebuja* when he was travelling, for instance when he went to the king's court or participated in a military expedition (*kumutabaraho*); to carry the lord's messages (*gutumwa*); to build or repair a part of the *shebuja*'s rugo (*kubak' inkike*). It was advisable also for clients, Hutu as well as Tutsi, to offer from time to time to their patron, some presents such as jugs of beer. If the lord happened to lose his herds, the *garagu* had to provide him with cattle and jars of milk. Some services were imposed only on Hutu clients, such as working in the *shebuja's* fields (*kutanga imibyizi*), or joining the night watch in the lord's enclosure (*kurarira*).[6]

[5] Cf. Vanhove, 1941, p. 772.
[6] Cf. Bandrart, 1930, p. 152; Vanhove, 1941, p. 732.

9:Maquet E-5 (1949-1951) 1961 FO42 Rundi FO42

The measure of the different obligatory gifts and services (number of days, &c.), was not fixed. It depended on the *shebuja*'s temper, his requirements, the number of cows granted to the *garagu*, and on the client's expectations. Moreover, each client was usually not requested to fulfil all the obligations we have just mentioned. The patron, particularly if he had many *garagu*, frequently gave to each of them a precise task in which the client was particularly competent (to brew beer, to cook, to mind the cattle, &c.). Even now, in spite of the limitations added by the native courts to the clients' obligations (for instance the building and repairing of the enclosure cannot be claimed by the lord more than once a year; not more than a month a year may be required by the patron for all the household services, &c.), we are still far from having a list of precisely defined duties and claims standard for the whole of Ruanda.

(c) *End of the* buhake *relation*

The *buhake* relationship was perpetuated even after the death of both parties. The *shebuja*'s heirs inherited their father's relations of *buhake*, *vis-à-vis* his clients and the client's heirs kept the cows (and/or their progeny) granted to their father. But the *shebuja* had the right to refuse to recognize as a successor of his client a person without the proper qualities to be a good *garagu*. The lord could then designate another heir of his client, or end the relationship and take back the cows. The person receiving an important number of clients by inheritance (several dozen, for instance) could require them to present him with all the cows which were then numbered, as in the case of the army-chief's *murundo*; he could then choose a certain number of them, usually the best ones, which he took away from his clients either to keep the usufruct himself or to endow other people with them.

The *buhake* relation could be ended when both client and patron or only one of them wanted this. But the person who initiated the breaking off usually gave some reason for it, such as the non-fulfilment of a particular obligation by the other party. At all events the *shebuja* could not oblige his client to stay in his service and the client could not prevent his patron from dismissing him.

What happened to the cows in such a case? As mentioned earlier, all the cows a client effectively controlled were not necessarily received from a patron, that is to say they were not all *inhanibili*

9:Maquet E-5 (1949-1951)1961 FO42 Rundi FO42

when the client was Hutu and *ingabane* when he was Tutsi. A *garagu* could have cows from another source (called *imbata*) such as those received as bride-wealth, as a reward for bravery or acquired by exchanging other goods. In the case of a Hutu client, who possessed both *inkazibiti* and *imbata* at the time when his relation with a *shebuja* was broken off, there are two opinions with regard to the cows' ownership. According to the first, the *imbata* possessed by the client before he entered in the *buhake* relation were regarded as *inkazibiti* and consequently the lord had the same rights over them as over those he had given to the client as cows of *buhake*. Moreover, the cows which the client eventually acquired when he was already *garagu*, and which in other circumstances would have been regarded as *imbata*, were also added to the cows received from the lord. The result was that at the breaking off of the *buhake* relation, the patron could take all his client's cows, *imbata* as well as *inkazibiti*. The other opinion is that the *imbata* acquired by the client before or after the *buhake* relation began, remained definitely *imbata* and that the lord had no claim on them.

It seems that both opinions are accurate, but that they refer to different periods. The second probably expresses the most ancient rule which had been prevalent up to about 1920. The practice of merging *imbata* and *inkazibiti* (or *ingabane*) in favour of the lord is likely to have been introduced only during the last forty years. This would be due to the fact that the chiefs of the administrative divisions (recognized by the Belgian authority under the names of *chefferies* and *sous-chefferies*) assumed at the end of the reign of king Yuhi Musinga (who was dismissed from his royal charge by the Belgian Administration in 1931) an undue importance, because their powers were no longer counterbalanced by those of the chiefs of the other hierarchies. Army chiefs did not enjoy their former authority, as the military structure had received no official recognition; Musinga, isolated in an attitude of indifference and hostility towards Europeans, was left without much effective power. Administrative chiefs who were important lords are said to have taken advantage of this situation, and to have modified the custom to their own advantage by establishing the principle of the merging of the cows received from the lord with those acquired independently of any *shebuja*.

It was not impossible, though it was rare, to be the client of

9: Maquet E-5 (1949-1951) 1961 FO42 Rundi FO42

Tutsi, who themselves were patrons of still less important Tutsi, and so on. In this way the Tutsi consituted a homogeneous unit of individuals linked to one another by bonds of fidelity and protection. From that point of view, *buhake* contributed to the unity and the solidarity of the aristocratic caste.

(*e*) *Maintenance of caste privileges*

Besides the protection of socially weak individuals and the promotion of social cohesion, a third function was fulfilled by the feudal system: the maintenance of the social *status quo* and the perpetuation of Tutsi privileges. This function seems somewhat opposed to the first two. Let us see how all these functions have been combined by the *buhake* system.

In a stratified society where control of a category of goods or a type of ownership is characteristic of the superior layer, the access of the members of other groups to these goods or to the particular rights of ownership constitutes an active factor of social mobility. It is the reason why the aristocracy frequently keeps exclusively for itself these goods and these rights. Thus in Ankole the Hima pastoralists bar Iru cultivators from the ownership of productive cows. They may possess only barren cows and bull calves.[8]

Ruanda Tutsi did not impose such severe rules but by the *buhake* system they obtained very much the same results. They allowed Hutu to have cattle at their disposal—which in exchange provided Tutsi with labour and agricultural produce—but at the same time prevented them from gaining independent ownership rights over these cattle. Those who had the final control of cattle were always Tutsi. As the Hutu had been granted only usufruct rights over cattle which were different from those enjoyed by the lords who were Tutsi, there was no chance that the group of cattle owners could be invaded by Hutu.

By definition the client's possession was precarious. This uncertainty in the duration of the disposal of cattle was further emphasized by the circumstances mentioned above. The breaking off of the *buhake* relation was almost always favourable mainly to the lord and could often be disastrous for the client. It may even be said that when the practice of merging the *buhake* cows (*inkazi-biti*) with the cows not received from a lord (*imbata*) was regarded as customary, all the Hutu cattle were precariously held and under

[8] Oberg, 1940, p. 130.

9:Maquet E-5 (1949-1951)1961 FO42 Rundi FO42

was: how to monopolize social and political power to their benefit without preventing a Ruanda society from existing and functioning as a unity? How to realize an equilibrium between the necessities of any social life and the necessities of a permanent dominion of a group? This fundamental problem may be analysed into three antinomies: maintaining a caste society and promoting the cohesion of the society as a whole; exploiting and protecting the lower stratum; delegating powers to subordinate authorities and establishing a centralized and absolute government. How were these antinomies solved?

(a) Caste society and social cohesion

In order that the members of a dominant and hereditary group may keep their privileges, it is necessary that what gives prestige remains exclusively under their control. We have seen that in Ruanda the basis of social power and prestige lay in the effective disposal of cattle. As indicated earlier, the feudal system permitted the Tutsi to keep complete control of all Ruanda cattle, as the whole of a client's cattle was always liable to be confiscated by the lord under any pretence. Moreover, outside the *buhako* structure, the king kept the pre-eminent right over all Ruanda cattle. Even if he did not use frequently his rights against Hutu, they were not forgotten: the very cows which were not received from a lord but acquired by one's own efforts and over which the possessor had usufruct plus bare ownership, were called 'king's cows' (*inka z'umwami*) as often as *imbata*.

Usually, an upper caste shows its superiority by, among other things, its leisure and pleasant life. It has to enjoy a greater share of the good things of life than the commoners and it has to get this apparently without effort, rather as a right than as a reward for specific tasks. It was again the *buhake* which made it possible for the Tutsi caste to enjoy 'gracious living' becoming to its high social status. The man in control of a few head of cattle could, through the clientage institution, live without having to participate in the manual work of the production processes.

A third requirement for the maintenance of a caste identity is the preservation of the group's *esprit de corps* and traditions and their handing on by one generation to the next one. This was done in the kinship groups mainly by the grandparents, particularly by the paternal grandfather. There, lineage values and particular

10:Albert E-5 (1956-1957)1963
FO42 Rundi FO42

mother-in-law or with a sister-in-law, though sometimes she may be alone on a part of her husband's property at some distance from his father's household. The social division of labour assigns to women nearly total responsibility for anything that is related to food, small children and the house. Men are rarely at home. Among the herders, the men are out in the pastures with the cattle. During the dry season, they may have to go for pasture a long way from home and build temporary dwellings for the season. A Hutu farmer works in the fields of his master, and these may be very far from the plot of land granted him for himself and his family.[13] The wives of a polygamist are each in turn necessarily alone. Moreover, men often have to go on trips for their superiors or to look after their own interests. Sometimes a trip lasts only two or three days, sometimes the man is absent from home for several months or for an entire year. We see here the continuing influence of an earlier day of a military, feudal society. Before 1920, every Tutsi was obliged to put in military service at the court of his prince. His wife sent him food, and he visited her at home from time to time, but he had to spend many months in service. Hutu sometimes went to war, but most of them stayed on the property of their feudal masters to work. Even today, young Rundi, both Hutu and Tutsi, leave home to earn money for the dowry and then very soon after marriage leave again to make money for other purposes. They work for their Rundi superiors, or in Uganda, or Tanganyika, or the European cities of Burundi. As administrators, as porters, as cow-herds, they travel a great deal. The women are responsible for the household during the frequent and often prolonged absences of the men.

In all other things the inferior of her husband, a Rundikazi is absolute proprietor of the food supply. The land she farms is her husband's. The husband gives her orders to work and decides what will be grown, and the husband inspects the granaries and the pots of butter. However, it is strictly forbidden for men to take so much as a handful of beans, raw or cooked, or a bit of butter without the wife's permission. If one asks what would happen to a man who might steal food from his wife, it is said: that doesn't happen, nobody would drink with that sort of fellow. This rule is taken very seriously. If a man wants food for himself for any reason, he must grow it himself. He may not touch any of the food raised by his wife. It is said that the woman has raised the food even when the farmhands and the serfs of the husband have done the actual work. What is meant is that the household food supply is always under the control of the wife.

WTA 14